

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

GEORGE CARRASCO,

Defendant and Appellant.

H033950

(Santa Clara County

Super. Ct. No. CC769606)

Defendant George Carrasco was arrested and charged with making a criminal threat (Pen. Code, § 422) and resisting a police officer (Pen. Code, § 69) after he shouted racial epithets and threatened the owner of an Indian restaurant whose restroom he wanted to use. When the arresting officer attempted to take defendant into custody, defendant shouted verbal threats at the officer as well. Defendant appeals from a judgment entered after he pleaded no contest to both charges and admitted the allegations that he had one strike prior, a serious felony conviction and a prison prior arising from the same 17 year old robbery conviction. (Pen. Code, §§ 1170.12, 667, subd. (a), 667.5, subd. (b).) The defendant moved to dismiss the strike prior pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497 and also moved to reduce the charged crimes to misdemeanors pursuant to Penal Code section 17, subdivision (b). After considering arguments presented by the defense and prosecution and allowing defendant to make a statement, the trial court granted the *Romero* motion, but denied the motion to

reduce the charges to misdemeanors. The trial court sentenced defendant to seven years in prison, awarded 327 days of custody credit, and imposed a variety of monetary fines and fees. This court granted defendant relief from default for failing to timely file a notice of appeal and this appeal ensued.

On appeal, appointed counsel filed an opening brief which states the case and the facts but raises no specific issues. We notified defendant of his right to submit written argument in his own behalf within 30 days. Defendant has submitted a supplemental letter brief which we now consider pursuant to *People v. Kelly* (2006) 40 Cal.4th 106.

In his letter brief defendant summarizes his version of events leading to his arrest, detailing his impaired state, his alleged attempt to commit suicide, and his altercations with the victim and the arresting officer. Much of this information was presented to the trial court during defendant's statement at the *Romero* hearing. To the extent such information was relevant; the court had this information before it before granting the *Romero* motion. It does not, however, raise any arguable issue on appeal.

Defendant goes on to complain about trial counsel, contending that she violated his constitutional rights. However, his supplemental argument fails to show either deficient performance by trial counsel or that he was prejudiced thereby. (*People v. Osband* (1996) 13 Cal.4th 622, 664.) Nor have we found anything in the record to support such a claim.

Finally, defendant details the progress he has made since his incarceration. While laudable, such accomplishments do not raise issues for appeal. Pursuant to our obligation as set forth in *People v. Wende* (1979) 25 Cal.3d 436 and *People v. Kelly, supra*, 40 Cal.4th 106, we have reviewed the entire record and the arguments raised by defendant's supplemental letter brief. We conclude that there are no arguable issues on appeal for which we must seek further briefing. Therefore, we will affirm the judgment.

**DISPOSITION**

The judgment is affirmed.

---

RUSHING, P.J.

WE CONCUR:

---

PREMO, J.

---

ELIA, J.